

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-759V

Filed: December 18, 2015

Unpublished

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SANDRA G. PRICE,

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Petitioner,

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SECRETARY OF HEALTH

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AND HUMAN SERVICES,

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Respondent.

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*William Patrick Ronan III, The Ronan Law Firm, Overland Park, KS, for petitioner.*

*Traci R. Patton, U.S. Department of Justice, Washington, DC, for respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

**Dorsey**, Chief Special Master:

On July 20, 2015, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> [the “Vaccine Act” or “Program”]. Petitioner alleges that she suffered arm and shoulder injuries that were caused in fact by her the influenza [“flu”] and tetanus-diphtheria-acellular-pertussis [“Tdap”] vaccinations she received on September 10, 2014. Petition at 1-4. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On December 16, 2015, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, respondent has “concluded that petitioner’s alleged injury is consistent with a shoulder injury related to vaccine administration (‘SIRVA’), and that it was caused in fact by the flu and/or Tdap vaccines she received on or about

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

September 10, 2014.” *Id.* at 4. Respondent further agrees that “petitioner has met the statutory requirements for entitlement to compensation.” *Id.* at 4-5.

**In view of respondent’s concession and the evidence before me, the undersigned finds that petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master